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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,022	03/31/2004	Kutay F. Ustuner	2003P18618US	1005
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830				
07/27/2009				
EXAMINER				
CHIAO, ELMER M				
ART UNIT		PAPER NUMBER		
3737				
MAIL DATE		DELIVERY MODE		
07/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/815,022

Applicant(s)

USTUNER ET AL.

Examiner

ELMER CHAO

Art Unit

3737

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Ruth S. Smith/
Primary Examiner, Art Unit 3737

Continuation of 11, does NOT place the application in condition for allowance because: Applicants argue that Robinson et al. do not show different 2D and 3D lateral ranges (page 2, 7th - 8th paragraphs, Remarks). However, Examiner notes that the "lateral range" does not necessarily have to refer to the largest lateral range shown by Robinson's figure 11, item 400. Since the claims are not descriptive as to which section of the 3D structure should be used to determine the lateral range, Examiner does not have to take the lateral range of item 400 to be the lateral range of the 3D volume at the same point as the 2D plane shown by item 402. Instead, Examiner has referred to the front section of item 402 as the lateral range of the 3D volume. Applicants argue that Hossack et al. do not teach different lateral ranges (page 3, 2nd paragraph, Remarks). However, Examiner points out that at least for the reasons explained above, the limitation regarding different lateral ranges is satisfied by Robinson et al. Applicants argue that Smith et al. scans for velocity determination and therefore would not cause one of ordinary skill in the art to increase resolution for a sub-volume since the velocity sub-volume of Smith, et al. would not benefit. However, Examiner notes that the question is not whether one of ordinary skill in the art would find it obvious to use increased resolution for Smith et al., but whether one of ordinary skill in the art would find it obvious to modify Robinson et al. and Hossack et al. to use higher resolution in view of Smith et al. Examiner notes that Smith et al. discloses scanning within a three-dimensional sub-volume at a higher resolution (fig. 1b). One of ordinary skill in the art would understand that scanning an entire volume at a higher resolution would be time consuming and Smith et al. shows a solution to this by scanning the sub-region at a high resolution. Also see arguments provided in the Final Rejection filed 3/4/2009, particularly page 3.